

**DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **SYSTEM AND METHOD FOR MARKING MATERIAL CONTAINER IDENTIFICATION**

the specification and claims of which

☒ are attached hereto OR ☐ was filed on \_\_\_\_\_ as U.S. Application No. \_\_\_\_\_

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose information which is material to the patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim priority benefits under Title 35, United States Code, §119 of any foreign or U.S. Provisional application(s) for patent listed below, and have also identified below any foreign application(s) or Provisional application(s) for patent having a filing date before that of the application on which priority is claimed:

60/487,822  
(Number)

USA  
(Country)

16/July/2003  
(Day/Month/Year Filed)

POWER OF ATTORNEY: As a named inventor, I hereby appoint the Attorneys associated with Customer No. 027885, Mark Costello (Reg. No. 31,342), Ronald F. Chapuran (Reg. No. 26,402), Kevin R. Kepner (Reg. No. 32,145), Nola M. McBain (Reg. No. 35,782); Elizabeth F. Harasek (Reg. No. 28,850), Eugene O. Palazzo (Reg. No. 20,881), to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

ADDRESS ALL CORRESPONDENCE TO:

DIRECT TELEPHONE CALLS TO:  
(name and telephone number)

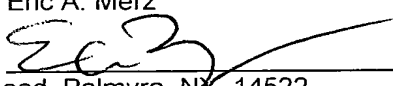
**Patrick D. Floyd**

Fay, Sharpe, Fagan, Minnich & McKee, LLP  
1100 Superior Avenue - Seventh Floor  
Cleveland, OH 44114-2579

**Patrick D. Floyd**  
(216) 861-5582

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Name of sole or first inventor: Eric A. Merz

Inventor's Signature: 

Residence: 2988 Sherwood Road, Palmyra, NY 14522

Citizenship: USA

Date: 1/7/04

Mailing Address:  
(Same as above)

**DECLARATION AND POWER OF ATTORNEY, continued**

Name of second joint inventor: Donna F. Delmonte

Inventor's Signature:

Residence: 4160 East Avenue, Rochester, NY 14618

Citizenship: USA

Date: 12/15/03

Mailing Address:  
(Same as above)

"Express Mail" Mailing Label Number: EL 998013853 U S

Date of Deposit: January 15, 2004

I hereby certify that this paper and/or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Roseanne Giuliani  
Roseanne Giuliani

**PATENTS ONLY**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

INVENTOR(S) : Eric A. Merz

TITLE : SYSTEM AND METHOD FOR  
MARKING MATERIAL CONTAINER  
IDENTIFICATION

APPLICATION NO. : Unknown

FILED : Herewith

ART UNIT : Unknown

ATTORNEY DOCKET NO. : D/A1377  
XERZ 2 00474

**ASSIGNMENT TRANSMITTAL LETTER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Mail Stop Assignment Recordation Services

Dear Sir:

Please record the attached original document(s) or copy(ies) thereof.

1. Name of Party(ies) conveying an interest:  
Eric A. Merz Donna F. Delmonte

2. Name of Party(ies) receiving an interest:  
Xerox Corporation  
800 Long Ridge Road  
P.O. Box 1600  
Stamford, CT 06904-1600

3. Description of the interest conveyed:  
☒ Assignment ☐ Change of Name  
☐ Security Agreement ☐ Merger  
☐ Other: \_\_\_\_\_

Execution Date: Eric A. Merz - January 7, 2004; Donna F. Delmonte - December 15, 2003

4. These documents are being filed together with a new application, the execution date of which is: Eric A. Merz - January 7, 2004; Donna F. Delmonte - December 15, 2003

A. Patent Application No.(s)  
N/A

B. Patent No.(s)  
N/A

5. Name and address of Party to whom correspondence concerning this document should be mailed:

Patrick D. Floyd  
Reg. No. 39,671  
FAY, SHARPE, FAGAN  
MINNICH & McKEE, LLP  
1100 Superior Avenue, Seventh Floor  
Cleveland, Ohio 44114-2579

6. One patent application is involved.

7. Amount of fee enclosed or authorized to be charged: \$ 40.00

8. Deposit Account Number (attached duplicate copy of this form if paying by Deposit Account): 24-0037.

9. Please charge any additional fees or credit overpayment to Deposit Account No.: 24-0037.

10. To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

11. Total number of pages enclosed 4.

Respectfully submitted,

FAY, SHARPE, FAGAN,  
MINNICH & McKEE, LLP



Patrick D. Floyd  
Reg. No. 39,671  
1100 Superior Avenue, 7<sup>th</sup> Floor  
Cleveland, Ohio 44114-2579  
(216) 861-5582

January 15, 2004  
Date

**ASSIGNMENT**

**Attorney Docket No.: D/A1377  
XERZ 2 00474**

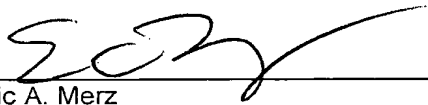
The undersigned is/are the named inventor(s) (the "Inventor(s)") on a United States patent application entitled **SYSTEM AND METHOD FOR MARKING MATERIAL CONTAINER IDENTIFICATION** (the "Application") for inventions disclosed or claimed therein (the "Invention(s)"), which Application:

- ☒ is being executed concurrently herewith,  
☐ was first executed on \_\_\_\_\_  
☐ was filed on \_\_\_\_\_ as Application Number \_\_\_\_\_  
☒ claims the benefit of U.S. Provisional Application(s) No(s). **60/487,822** filed July 16, 2003.

Xerox Corporation, a New York Corporation, on behalf of itself, its successors and assigns, and its legal representatives ("Xerox"), is entitled to all rights in the Application and the Invention(s), and the full cooperation of the Inventor(s).

For valuable consideration, the receipt of which is hereby acknowledged, the Inventor(s) hereby sell(s), assign(s), and transfer(s) to Xerox the entire and exclusive right, title and interest in the Application and the Invention(s), in and for the United States, its territories, and all foreign countries, including all applications, patents, design registrations and publications obtained or derived therefrom; world wide, and all priority rights under all present or future conventions and treaties, and any provisional applications for which priority is claimed in the Application; and

- (1) request the U.S. Commissioner of Patents to issue all U.S. Letters Patent granted thereon to Xerox;
- (2) agree that Xerox may apply for and receive all foreign Letters Patent thereon;
- (3) agree to execute all papers and take all actions necessary or desirable in connection therewith requested by Xerox; and
- (4) authorize Xerox to subsequently enter the Application Number on this Assignment, if not already entered above.

  
Eric A. Merz

Date 1/7/04

\_\_\_\_\_  
Donna F. Delmonte

Date \_\_\_\_\_

**ASSIGNMENT**

**Attorney Docket No.: D/A1377  
XERZ 2 00474**

The undersigned is/are the named inventor(s) (the "Inventor(s)") on a United States patent application entitled **SYSTEM AND METHOD FOR MARKING MATERIAL CONTAINER IDENTIFICATION** (the "Application") for inventions disclosed or claimed therein (the "Invention(s)"), which Application:

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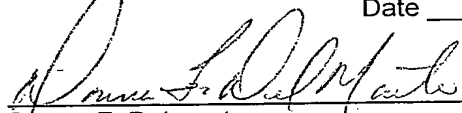
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\_\_\_\_\_  
Eric A. Merz

Date \_\_\_\_\_

  
Donna F. Delmonte

Date 12/15/03